

### REMARKS

Claims remaining in the present patent application are numbered 1-30. The rejections and comments of the Examiner set forth in the Office Action dated March 22, 2005 have been carefully considered by the Applicants. Applicants respectfully request the Examiner to consider and allow the remaining claims.

### 35 U.S.C. §112

The present Office Action rejected Claims 3 and 22 under 35 USC 112, first paragraph, because the specification does not reasonably provide enablement for "said first event is a customer. Applicants have herein amended Claims 3 and 22, as suggested by the Examiner on page 2 of the present Office Action, by amending "said first event is a customer, said customer visiting a web site" to --said first event is a customer visiting a web site--. As such, Applicants respectfully contend that Claims 3 and 22 overcome the Examiner's objections.

Further, the present Office Action rejected Claims 11-19 under 35 USC 112, first paragraph, because the specification does not reasonably provide enablement for Claim 11 in that the specification does not enable any person skilled in the art to make a customer resemble a segment, which is to say make a customer resemble a piece of something. Applicants have herein amended Claim 11, as

suggested by the Examiner on page 3 of the present Office Action by amending the claim language in Claim 11 so that a first segment is determined that the customer --most closely falls within--. As such, Applicants respectfully contend that Claim 11 overcome the Examiner's objections, and Claims 12-19, being dependent on independent Claim 11 also overcome the Examiner's objections.

Also, Claims 5, 13, and 24 are rejected under 35 USC 112, first paragraph, because the phrase "amount of times" is not idiomatic English. Applicants have herein amended Claims 5, 13, and 24, as suggested by the Examiner on page 3 of the present Office Action, by amending the phrase "amount of times" to --number of times--. As such, Applicants respectfully contend that Claims 5, 13, and 24 overcome the Examiner's objections.

Furthermore, Claims 2 and 21 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner objects to the limitation "performing said first task" as having insufficient antecedent basis for this limitation in the claim. The Examiner on page 3 of the present Office Action suggested amending the phrase "performing said first task" in Claims 1 and 20 to --determining said first task--. Applicants

have herein amended independent Claims 1 and 20 to include the suggestions of the Examiner on page 3 by amending the phrase "determining which of said plurality of tasks, said first task," to --determining said first task from said plurality of tasks--. As such, Applicants respectfully contend that the limitation "performing said first task" in Claims 2 and 21 have sufficient antecedent basis and overcome the Examiner's objections.

#### Claim Objections

Claims 5, 13, and 24 have been objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim. Applicants have herein amended Claims 5, 13, and 24, as suggested by the Examiner on page 4 of the present Office Action, by amending the limitation "wherein said first distribution is a vector" to --wherein said first distribution is accessed as a vector--. As such, Applicants respectfully contend that Claims 5, 13, and 24 overcome the Examiner's objections.

#### 35 U.S.C. §102

The present Office Action rejected Claims 1-30 under 35 USC 102(e) as being anticipated by Cannon (US006286005B1). Applicants have reviewed the above cited reference and respectfully submit that embodiments of the

present invention as recited in Claims 1-30 are neither anticipated nor rendered obvious by the Cannon reference.

Independent Claims 1, 11, and 20

Applicants respectfully point out that independent Claims 1 and 20 recite that embodiments of the present invention include, in part:

determining a specified distribution of a plurality of tasks;

\* \* \*

determining said first task from said plurality of tasks, which when selected provides a second distribution of said plurality of tasks that is closest to said specified distribution of said plurality of tasks . . . (Emphasis Added)

Further, Applicants respectfully point out that independent Claim 11 recites that an embodiment of the present invention includes, in part:

determining a specified distribution of a plurality of advertising promotions;

determining a first segment of a plurality of segments said customer most closely falls within, said first segment being targeted with a plurality of advertising promotions, wherein said first segment is associated with said specified distribution;

\* \* \*

determining which of said plurality of advertising promotions, said first advertising promotion, when performed provides a second distribution of said plurality of advertising promotions that provides the least mathematical distance with respect to [[a desired] said specified distribution of said plurality of advertising promotions that is designed to achieve an objective. (Emphasis Added)

Embodiments of the present invention pertain to methods of deterministic sampling with a specific distribution. Specifically, in embodiments of the present invention a task, or advertising promotion, is selected that gives a distribution of a plurality of tasks, or advertising promotions, that is closed to a specified distribution.

Applicants respectfully note that the cited reference, Cannon, does not teach nor suggest the present method of deterministic sampling. In particular, Applicants have herein amended into independent Claims 1, 11, and 20, as suggested by the Examiner on page 6 of the present Office Action, by amending "a desired distribution" to --a specified distribution--. Moreover, Applicants have herein amended into independent Claims 1, 11 and 20, as suggested by the Examiner on page 6 of the present Office Action, by rearranging the wording to make it clear that the specified distribution is not merely a goal, but rather is chosen a priori.

Thus, Applicants respectfully submit that the present invention as disclosed in independent Claims 1, 11, and 20 is not anticipated or rendered obvious by the Cannon reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 2-10, which depend from independent Claim 1, are also in a

condition for allowance as being dependent on an allowable base claim. Also, Applicants respectfully submit that Claims 12-19, which depend from independent Claim 11, are also in a condition for allowance as being dependent on an allowable base claim. Further, Applicants respectfully submit that Claims 21-30, which depend from independent Claim 20, are also in a condition for allowance as being dependent on an allowable base claim.

#### CONCLUSION

In light of the amendments and arguments presented herein, Applicants respectfully request reconsideration of the rejected Claims for allowance thereof.


Based on the arguments presented above, Applicants respectfully assert that Claims 1-29 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,  
Wagner, Murabito & Hao LLP

Date:

6/22/05

  
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